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U.S. Department of Labor

Occupational Safety and Health Administration
Washington, D.C. 20210

Reply to the Attention of:



APR 9 1986

MEMORANDUM FOR: Designated Agency Safety and Health Officials

FROM: John E. Plummer, Director
~~Office of Federal Agency Programs~~

SUBJECT: Federal Agencies and the National Emphasis
Program on Hazardous Waste Sites

Attached are advance copies of two new Occupational Safety and Health Administration (OSHA) directives concerning operations in the National Emphasis Program on Hazardous Waste Site Inspections.

Note that OSHA Instruction CPL 2.70 addresses inspections on Federal agency sites. The reference to Federal agencies is on page 7, Item H.2.

Such inspections are to follow the guidelines of the Federal agency targeting program; i.e., the usual coordination with Federal agency headquarters personnel will take place prior to establishment visits by OSHA field personnel. Since the inspection sites will be designated from OSHA's Directorate of Field Operations (DFO), it is expected that DFO's Office of Federal Agency Programs will be the contact point with the agencies.

An agency's request for OSHA assistance at the hazardous waste site will be processed as an Agency Technical Assistance Request; but the guidelines in OSHA Instruction CPL 2-2.37A, Technical Assistance and Guidelines for Superfund and Other Hazardous Waste Site Activities, will apply. Agencies should note Part H, Enforcement Activities, as a guide to the structure of such visits.

Questions may be directed to Mr. John Plummer, Director, Office of Federal Agency Programs, on 523-9329.

Attachments

U.S. Department of Labor

Assistant Secretary for
Occupational Safety and Health
Washington, D.C. 20210



OSHA Instruction CPL 2.70

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Directorate of Field Operations

Subject: Special Emphasis Program: Hazardous Waste Sites

- A. Purpose. This instruction establishes a National Emphasis Program (NEP) for the programmed inspection of Hazardous Waste Sites, primarily found in Standard Industrial Classification (SIC) code 4953, in accordance with the provisions of the Field Operations Manual (FOM), Chapter II, E.2.b.(4).
- B. Scope. This instruction applies OSHA-wide.
- C. Reference.
 - 1. OSHA Instruction ADM 1-1.12A, April 1, 1984.
 - 2. OSHA Instruction CPL 2.25F, Appendix E, September 30, 1985.
 - 3. OSHA Instruction CPL 2.45A, April 18, 1983.
 - 4. OSHA Instruction CPL 2.51C, December 17, 1984.
 - 5. OSHA Instruction CPL 2-2.37A, January 29, 1986.
- D. Action. Regional Administrators and Area Directors shall ensure that the procedures established in this instruction are adhered to in scheduling programmed inspections.
- E. Federal Program Change. This instruction describes a Federal program change which affects State programs. Each Regional Administrator shall:
 - 1. Ensure that this change is promptly forwarded to each State designee.
 - 2. Explain the technical content of this change to the State designee as requested.

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3. Ensure that State designees are asked to acknowledge receipt of this Federal program change, in writing within 30 days of notification, to the Regional Administrator. This acknowledgment should include a description either of the State's plan to implement the change or of the reasons why the change should not apply to that State.
4. Review policies, instructions and guidelines issued by the State to determine if this change has been communicated to State program personnel.

F. Background. OSHA has significant concerns about the potential for employees' exposure to highly toxic materials at hazardous waste sites. Moreover, employees at hazardous waste sites are also subject to physical injury because of the serious safety hazards which may exist at such sites. A special emphasis program is needed to ensure that employees at hazardous waste sites are being provided with safe and healthful working conditions.

1. These sites are not part of OSHA's current safety scheduling system of targeting industries with the highest lost workday injury (LWDI) rates. This system is implemented through the use of Bureau of Labor Statistics (BLS) figures identifying industries by their LWDI rates. Since figures are not uniformly available outside of the manufacturing sector at the most specific level (4-digit SIC code), the current selection procedure is limited to manufacturing.
2. The health scheduling system is based on an industry's past inspection history with OSHA. Because the agency has had relatively little past experience with the hazardous waste site industry, that industry has insufficient history upon which to base selection for inspection under the current system.
3. Currently there is no single SIC code which includes all hazardous waste management facilities. Waste may be disposed of onsite by the chemical and allied products industry (SIC code 2800) or shipped to an independent, specialized disposal facility (SIC code 4953).
4. The data which is available from BLS show that the LWDI for SIC code 4950, the broad industrial grouping to which much of the hazardous waste disposal industry belongs, is 11.4, or more than 2.5 times the rate for

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manufacturing used by the agency to identify high rate industries for general programming purposes.

5. The Seattle Regional Office has conducted a local emphasis pilot program aimed at inspecting hazardous waste sites in Idaho. A preliminary evaluation of that program indicates that it has been successful and the decision has been made to extend the program nationwide.
 6. The Environmental Protection Agency (EPA) has explicitly defined certain wastes as hazardous on the basis of their toxicity, ignitability, corrosivity and reactivity (40 CFR 261). The risk to employees is compounded by the fact that the employees are often uncertain about the identity and concentrations of the substances to which they are exposed.
- G. Coordination with EPA. The Environmental Protection Agency (EPA) is responsible for two laws relating to hazardous waste sites which affect this NEP.
1. Applicable EPA Laws. The two laws governing hazardous waste are:
 - a. The Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA" or "Superfund"). This law provides for two types of responses to hazardous substance threats:
 - (1) Removal Action--a short-term response to imminent and significant threats; and
 - (2) Remedial Action--a long-term permanent solution (cleanup) of a hazardous waste problem.
 - b. The Resource Conservation and Recovery Act of 1976 (RCRA), Subtitle C. This law requires owners and operators of treatment, storage and disposal facilities to obtain a permit.

NOTE: Appendix B of this instruction discusses these laws.

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2. Preinspection Contacts. Special care shall be undertaken to coordinate inspection efforts with local units of EPA.
 - a. Regional Administrators shall contact the EPA Regional Administrators to arrange a meeting to discuss, in detail, this NEP, EPA requirements and possible areas of coordination. Regional Administrators shall also ensure that discussions with EPA include methods and procedures for coordinating with State plan States.
 - b. Area Directors, upon scheduling a hazardous waste site for inspection, shall contact the local EPA official to discuss appropriate level of personnel protective equipment, the sites history and current status (whether the site is active) and whether workers are at the site prior to initiating the inspection.
 - (1) If workers are at a RCRA site, a copy of the drawing of the facility from EPA's RCRA permit application and other material which may be helpful in planning the inspection shall be obtained.
 - (2) If workers are at a Superfund site, a copy of the site safety plan and any other information considered pertinent shall be obtained for review before going onsite.
 - (3) If no workers are at the site, an inspection shall not be scheduled. Instead, the site shall be replaced in accordance with H.l.e.

H. Scheduling Procedures.

1. General. There will be a tripartite system for scheduling inspections of hazardous waste sites under this NEP. Sites from the RCRA list of treatment, storage, and disposal facilities which have applied for hazardous waste permits, sites from the National Priority List (NPL) targeted for remedial action under the Superfund program, and sites where removal action is required under the Superfund program will each be scheduled differently.

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NOTE: Except as indicated in H.5.c, no additions to the lists received from EPA shall be allowed.

- a. All inspections conducted under this NEP shall be comprehensive safety and health inspections of the hazardous waste site. No records review procedure for purposes of conducting a records only inspection will apply for this NEP.

NOTE: Establishments with fewer than 10 employees shall not be deleted. If the establishment is in a SIC code that is exempted from programmed inspections by the Appropriations Act (OSHA Instruction CPL 2.51C), a health only inspection shall be conducted.

- b. The inspection of hazardous waste sites located on chemical or other production company grounds shall be limited to the actual hazardous waste activities unless the establishment is already scheduled for inspection from the Health or the Safety SIC List.

NOTE: If an establishment appears on the NEP Inspection Register as well as on the Safety or the Health SIC List, every effort shall be made to conduct an inspection of the production facility and the associated hazardous waste site at the same time.

- c. If a substantially complete safety or health inspection has been conducted within the last 12 months at a waste site listed on the NEP Establishment List referred to in H.3. through 5, the following deletion criteria shall be applied:

- (1) If no serious violations were cited, the site shall be deleted from the NEP Establishment List.
- (2) If serious violations were cited and the establishment has submitted an acceptable abatement letter or a followup inspection has documented a good-faith effort to abate

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all serious violations, the site shall be deleted from the NEP Establishment List.

- d. If an unprogrammed inspection is scheduled at a waste site, even if the site is not on the NEP Inspection Register, a comprehensive inspection of the entire site shall be conducted, including all contractors working at the site.

NOTE: If the unprogrammed inspection takes place at a site on the NEP Inspection Register prior to conducting an NEP programmed inspection, that site shall be removed from the Inspection Register and replaced in accordance with H.1.e.

- e. Except as noted in paragraph H.1.f, if an inspection of a site listed on the Inspection Register cannot be conducted for any reason, the Area Director shall inform the Regional Administrator who shall select the next highest ranked site listed on the NEP Establishment List or the next site indicated by the random numbers as prescribed by the appropriate establishment selection procedure indicated in H.3. through 5. This process shall be repeated until the requisite number of inspections has been completed or until the fiscal year ends.
- f. When an inspection scheduled according to H.3. through 5. is not conducted because the employer refuses consent to the inspection, a warrant shall be sought in accordance with current procedures. If the court refuses to grant a warrant or if the Regional Solicitor declines to apply for one, the establishment shall be replaced in accordance with H.1.e.
- g. If, upon arrival at a site scheduled for inspection under this NEP, the CSHO finds that no hazardous waste is being treated, stored, disposed of or otherwise handled, the inspection shall be terminated and the establishment replaced according to H.1.e.
- h. If the status of a site scheduled for inspection has changed (e.g., a RCRA site becomes a Superfund site), the inspection shall still

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be conducted if it is reasonably foreseeable that there are continuing hazards to workers.

- i. The guidelines given in OSHA Instruction CPL 2-2.37A (or the most recent update) shall be followed for all inspections conducted under this NEP.
2. Federal Agency Sites. Hazardous waste sites owned by agencies of the Federal Government are subject to inspection under this NEP. If a federally owned site appears on the NEP Establishment List, the procedures for handling these sites are as follows:
 - a. Federal Sites Operated by Federal Employees. All sites operated by a Federal agency shall be scheduled for inspection in accordance with the guidelines given in Chapter XIII of the FOM.
 - b. Federal Sites Operated by a Contractor. The handling of Federal agency sites operated by a contractor depends on several factors:

NOTE: Since several other Federal agencies have some statutory authority over certain hazardous wastes, potential preemption issues may be raised in these inspections. In such cases the provisions of the FOM, Chapter III, D.6.a, are to be carefully followed.

- (1) If located in a Federal enforcement State, such sites shall be scheduled in the same manner as other non-Federal sites.
- (2) If located in a State plan State and the State designee does not exercise jurisdiction over such sites, they shall be scheduled by the Regional Administrator in the same manner as other non-Federal sites.
- (3) If located in a State plan State that does exercise jurisdiction over such sites, they shall be kept on the State site listing and forwarded to the State designee as indicated in H.3. through 5.

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3. Scheduling for Superfund Remedial Action Sites. EPA has provided OSHA with its National Priority List of current and proposed sites.
 - a. OSHA has used the NPL to build a site list of facilities eligible for programmed inspection under this NEP. The procedure used to select and rank the establishments making up the list is described in Appendix A, Section A.
 - b. Superfund sites located in State plan States which have declined jurisdiction over such sites shall be kept on the Federal site list. Where the State designees do exercise jurisdiction over such sites, they shall be placed on the State lists.
 - c. The prioritized site list, which consists of a listing of sites by State, shall be subdivided according to the Region in which the sites are located.
 - d. The resulting lists shall be forwarded to the Regional Administrator. The Regional Administrator, in turn, shall forward the State plan State lists to the appropriate designees.
 - e. The first 10 establishments from each Regional list shall form the NEP Establishment List of Superfund sites subject to a programmed inspection under this NEP.
 - f. The Regional Administrator shall contact EPA's Regional Administrator to ensure that the establishments listed are sites where employees are actively engaged in activities in which safety or health hazards to employees are likely. Any site not so engaged shall be deleted from the NEP Establishment List.
 - h. After the Regional Administrator has made appropriate deletions from the NEP Establishment List, the remaining establishments shall be numbered consecutively, beginning at the top of the list.
 - i. A random number table shall be applied to the list of establishments for the purpose of selecting two sites for inspection.

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- j. When the Inspection Register of sites to be inspected has been selected, their names shall be forwarded to the Area Office within whose jurisdiction the establishments are located.
 - k. Area Directors shall be instructed to conduct all the selected inspections during FY 86 as the efficient use of available resources makes them possible.
4. Scheduling for RCRA Sites. OSHA has obtained a computer tape from EPA of all permit applicants for treating, storing and disposing of hazardous waste.
- a. OSHA has used this tape to build a site list of facilities eligible for programmed inspection under this NEP. The procedure used to select and rank the sites making up the list is described in Appendix A, Section B.
 - b. The resulting 25 highest-ranked sites for each Region shall be forwarded to the Regional Administrator. The Regional Administrator, in turn, shall forward the State plan State lists to the appropriate designees.
 - c. Each Regional list of the 25 highest-ranked sites shall form the NEP Establishment List of RCRA sites subject to a programmed inspection under this NEP.
 - d. The Regional Administrator shall make appropriate deletions to the NEP Establishment List for the Region as described in H.1. In addition, any sites not within OSHA's jurisdiction shall be deleted (e.g., sites owned or operated by local governments).
 - e. The top five establishments shall be selected for the Inspection Register of sites to be scheduled for inspection and their names forwarded to the Area Office within whose jurisdiction the establishments are located.
 - f. The Area Directors shall be instructed to conduct all the selected inspections during FY 86 as the

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efficient use of available resources makes them possible.

- g. There have been some hazardous waste management facilities which have not applied for required EPA permits, therefore, are not included on the RCRA scheduling lists. Any knowledge of endangerment to workers at illegal hazardous waste management facilities shall be treated as referrals. All such incidents shall be investigated unless there is reason to believe the information is not reliable or OSHA would not have jurisdiction.

5. Scheduling for Superfund Removal Action Sites. EPA has a listing of all sites where immediate removal of hazardous waste is planned for the next 6 months. This list is updated in the Superfund Comprehensive Accomplishment Plan (SCAP) report, updated quarterly by EPA and available at the EPA Regional Office level.

- a. At the beginning of each quarter the Regional Administrator shall obtain from EPA a copy of the latest SCAP report of sites scheduled for removal action located within the Region.
- b. Any facility which has received a comprehensive safety or health inspection within the last 12 months shall be deleted from the list.
- c. The Regional Administrator, after conversations with the EPA Regional Administrator, shall add any active sites not on the list.
- d. The establishments on the resulting NEP SCAP Establishment List shall be numbered consecutively, beginning with "1."
- e. A random number table shall be applied to the NEP Establishment List for the purpose of selecting one removal site for inspection during the quarter.
- f. The appropriate Area Director shall be informed of the site selected for inspection and shall be instructed to conduct the inspection within the following 3 months.

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I. Recording in IMIS. Current instructions for completing the appropriate inspection classification boxes (Items 24 and 25) on the OSHA-1, Inspection Report, as found in the IMIS Forms Manual, shall be applied when recording inspections conducted under this NEP as well as any other safety or health inspection in a facility where hazardous waste material is processed, stored or otherwise disposed of, as follows:

1. The OSHA-1 for any programmed inspection scheduled under the National Emphasis Program for Hazardous Waste Sites shall be marked "Planned" (Item 24h.) and "National Emphasis Program" (Item 25d.). Record "HAZWASTE" in the space in Item 25d.
2. The OSHA-1 for any programmed inspection scheduled from the Safety or the Health Establishment Lists but where hazardous waste is treated, stored or disposed of shall be marked "Planned" (Item 24h.), "Safety" or "Health Planning Guide" (Item 25b.) as appropriate, and "National Emphasis Program" (Item 25d.). Record "HAZWASTE" in the space in Item 25d.
3. The OSHA-1 for any unprogrammed safety or health inspection conducted at a hazardous waste site shall be marked "Unprogrammed" (Item 24a. through g., as appropriate) and "National Emphasis Program" (Item 25d.). Record "HAZWASTE" in the space in Item 25d.
4. Where it is discovered upon arrival at a worksite scheduled for an NEP inspection that hazardous waste is not treated, stored or disposed of, the OSHA-1 shall be completed, nevertheless, with "No Inspection" marked in item 35(d). In addition, however, the CSHO shall mark Optional Information (Item 42) as follows:

Type = N, ID = 7, Value = NOWASTE.

5. Whenever there is hazardous waste activity during an NEP inspection, the OSHA-1 shall be completed using the following codes in item 42, Optional Information.

a. Superfund Remedial Inspections.

<u>Type</u>	<u>ID</u>	<u>Value</u>
N	5	Remedial

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b. Superfund Removal Inspections.

<u>Type</u>	<u>ID</u>	<u>Value</u>
N	5	Removal

c. RCRA Inspections.

<u>Type</u>	<u>ID</u>	<u>Value</u>
N	5	RCRA

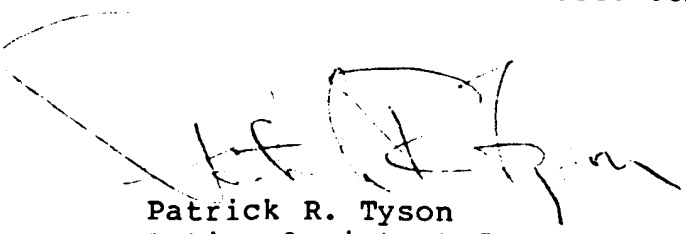
- J. Evaluation Procedures. Prior to the end of FY '86, OSHA shall evaluate whether this emphasis program should be continued into FY 87 and if so what changes should be made.
1. The Regional Administrator shall evaluate the program and submit the following information to the Director of Field Operations by July 18, 1986:
 - a. Suggestions for improving the criteria for selecting establishments under this program.
 - b. Any special problems not addressed by this instruction which may have surfaced and recommended solutions.
 - c. Any procedures developed within the Region for assisting the administration of this program which may be helpful to share with the other Regional Offices. (For example, any unique procedures for coordinating the inspections with EPA.)
 - d. Any reasons why this program should not be continued.
 2. The Director of Field Operations shall use the following information to make a recommendation to the Assistant Secretary as to whether to extend this program into FY '87.
 - a. Comments from Regional Administrators.

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- b. Inspection data from IMIS and the OCIS hazardous waste site computer file.



Patrick R. Tyson
Acting Assistant Secretary

DISTRIBUTION: National, Regional and Area Offices
All Compliance Officers
State Designees
7(c)(1) Project Managers
NIOSH Regional Program Directors

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Appendix A

Prioritization of RCRA and NPL Scheduling Listings

The following is a description of how the Superfund NPL and RCRA scheduling listings were developed for OSHA targeting purposes:

- A. Active Sites from the Current and Proposed EPA National Priorities List (NPL). This listing was developed from EPA's latest current and proposed National Priorities List (revised edition, December 1984).
 1. The published list contained 786 current and proposed sites which were then reduced to 211 sites by eliminating those sites where implementation activities have reportedly not yet been started or where they have been completed.
 2. For each Region, the listing prioritization is based on EPA's Hazard Ranking System (HRS). The HRS prioritizes the sites into 11 groups, taking into account a standard set of factors related to risks from potential or actual migration of substances through ground water, surface water and air. Group I sites comprise those having the highest expected risk.
- B. Resource Conservation and Recovery Act (RCRA) Sites. The prioritization listing for RCRA sites was developed directly from the most recent computer data tape available from EPA's National Office on the 5051 RCRA sites.
 1. The Resource Conservation and Recovery Act requires anyone who owns or operates a facility which treats, stores or disposes of hazardous wastes to have a permit. (At this time, many sites are in interim status; i.e., have applied for a permit but have not yet been granted permit status.) All persons applying for this EPA hazardous waste permit are required to complete "Application Form 3" which requires detailed site-specific information. Using the information found on the RCRA computer tape, the ranking of the sites was done in the following manner:
 - a. First the list of over 5,000 sites was reduced by eliminating sites where only storage of hazardous waste materials was reported to occur. This reduced the population being targeted by

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half. However, the resulting list still includes storage facilities, because 2,100 of the remaining population of approximately 2,500 facilities also reported storage of hazardous wastes.

- b. Next, the prioritization of the remaining sites was based on an "OSHA Hazard Score" for each facility. Each of the nine categories of disposal and treatment operations was given a percentile rating from 1 to 100 based on the information provided in the permit application regarding the design capacities of each facility. The specific categories of disposal are injection well, landfill, land application, ocean disposal and surface impoundment. The specific categories of treatment are tank, surface impoundment, incinerator, and other.
- c. Following this rating process, an "OSHA Hazard Score" was developed for each facility by adding the rating scores for each category of operation. The maximum possible OSHA hazard score is 900 and would occur only if a facility had been designed to be the largest facility having applied for a RCRA permit in all of the nine categories. A simplified example is as follows:

A hazardous waste facility which reported activity in the single category of injection well disposal and also reported having the largest design capacity of all the reporting injection well disposal facilities would receive an OSHA hazard score of 100. A second facility reporting only average design capacities for each of three categories (e.g., of landfill disposal, tank treatment and surface impoundment) would receive a rating of 50 for each of the three categories. Following the addition of these three rating scores, the second facility would be assigned an OSHA hazard score of 150 and, therefore, would be considered to be of a higher priority for targeting under this NEP.

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2. With this type of rating system, OSHA's targeting will emphasize larger facilities having multiple operations where it is anticipated that the greatest number of potential employee exposures would occur.

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Appendix B

RCRA and CERCLA Legislation

In response to the problems of hazardous waste the Congress enacted the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 et seq., as amended (RCRA.) In enacting this statute the Congress found, among other things, that "(2) disposal of solid waste and hazardous waste in or on the land without careful planning and management can present a danger to human health and environment", 42 U.S.C. 6901 (B) (2); "(3) inadequate and environmentally unsound practices for the disposal or use of solid waste have created greater amounts of air and water pollution and other problems for the environment and health", 42 U.S.C. 6901(b) (3); and "(5) the placement of inadequate controls and hazardous waste management will result in substantial risks to human health and the environment", 42 U.S.C. 6901(b) (5). In that statute the Congress also provided:

"In order to assist the Secretary of Labor and the Director of the National Institute for Occupational Safety and Health in carrying out their duties under the Occupational Safety and Health Act of 1970, 29 U.S.C.A. 651 et seq., the Administrator of the EPA shall:

1. Provide the following information, as such information becomes available, to the Secretary and the Director:
 - (A) the identity of any hazardous waste generation, treatment, storage, disposal facility or site where cleanup is planned or underway;
 - (B) information identifying the hazards to which persons working at a hazardous waste generation, treatment, storage disposal facility or site or otherwise handling hazardous waste may be exposed, the nature and extent of the exposure, and methods to protect workers from such hazards; and
 - (C) incidents of workers' injury or harm at a hazardous waste generation, treatment, storage or disposal facility or site;
2. Notify the Secretary and the Director of the Administrator's receipt of notification under section

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6930 or reports under section 6922, 6923 and 6924 of this title and make such notifications and reports available to the Secretary and the Director."

In 1980 the Congress passed the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601 et seq. ("CERCLA" or "Superfund"). In enacting this legislation the House Committee on Interstate and Foreign Commerce declared:

Since enactment of that law RCRA, a major new source of environmental concern has surfaced: the tragic consequences of improperly, negligently, and recklessly hazardous waste disposal practices known as the "inactive hazardous waste site problem." The unfortunate human health and environmental consequence of these practices has received national attention amidst growing public and Congressional concern over the magnitude of the problem and the appropriate course of response that should be pursued.

House Report No. 96-1016, Part I, 1980 U.S. Code Congressional and Administrative News, p. 6120.

In 42 U.S.C. 9611(b) the Congress authorized use of the Superfund for "...the cost of a program to protect the health and safety of employees involved in response to hazardous substance release." In that provision the Congress also stated:

Such program shall be developed jointly by the Environmental Protection Agency, the Occupational Safety and Health Administration and the National Institute for Occupational Safety and Health and shall include, but not be limited to, measures for identifying and assessing hazards to which persons engaged in removal, remedy, or other response to hazardous substances may be exposed, methods to protect workers from such hazards, and necessary regulatory and enforcement measures to assure adequate protection of such employees.

U.S. Department of Labor

Assistant Secretary for
Occupational Safety and Health
Washington, D.C. 20210



OSHA Instruction CPL 2-2.37A

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**Subject: Technical Assistance and Guidelines for Superfund
and Other Hazardous Waste Site Activities**

- A. Purpose. This instruction provides direction for OSHA compliance personnel in providing technical assistance to or in conducting enforcement activities at hazardous waste sites.
- B. Scope. This instruction applies OSHA-wide.
- C. Cancellation. OSHA Instruction CPL 2-2.37, December 30, 1983, is canceled.
- D. References.
 - 1. OSHA Instruction CPL 2.70, Special Emphasis Program: Hazardous Waste Sites, January 29, 1986.
 - 2. OSHA Instruction CPL 2.74, Hazardous Waste Site Activity Worksheet, OSHA-Form 175, January 29, 1986.
- E. Action. OSHA National Office Directors, Regional Administrators and Area Directors shall ensure that OSHA activities regarding employees working at hazardous waste sites is consistent with the guidelines in G, H and I of this instruction.
- F. Federal Program Change. This instruction describes a Federal program change which affects State programs. Each Regional Administrator shall:
 - 1. Ensure that this change is forwarded to each State designee.
 - 2. Explain the technical content of the change to the State designee as requested.
 - 3. Explain that the Assistant Secretary has determined that coverage of Superfund sites within the State plan States is a severable issue as defined by 29 CFR 1902.2(c).

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- a. As a result, OSHA Instruction CPL 2-2.37, December 30, 1983, gave State plans the option of covering such waste sites within their respective jurisdictions.
 - b. All State plans, however, were required to provide enforcement coverage of Superfund and non-Superfund sites where cleanup will be done by State or local government employees.
 - c. All State plans also retained jurisdiction over all hazardous waste sites not designated as Superfund sites by EPA.
4. Ensure that the State designees are asked to acknowledge receipt of this Federal program change, in writing within 30 days. This acknowledgment shall also include a description of their plans to implement this change appropriate to their level of waste site coverage.
 5. Ensure that, within 6 months of forwarding this instruction, the applicable guidelines in this Federal program change (or its equivalent) are implemented and a plan change supplement is submitted to the Region for review and processing.
 6. Advise the State designees that advisory and technical assistance can be provided to the State by Federal OSHA in accordance with the guidelines in G of this instruction.
- G. Background. EPA is the lead Superfund and RCRA agency. OSHA and EPA have agreed that OSHA has the lead role in providing for the safety and health of workers at hazardous waste sites.
1. Under the National Emphasis Program (NEP) for the inspection of hazardous waste sites OSHA will be targeting enforcement activities at Superfund and RCRA sites.
 2. Technical assistance may be provided by OSHA at some hazardous waste sites at the request of EPA or another lead agency, such as the U.S. Coast Guard.

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3. OSHA actions shall, at all times, be closely coordinated with EPA.
 - a. Because of the hazards involved at each of the sites (not only to workers involved in cleanup but also to the public), OSHA recognizes the need for expeditiousness in the cleanup process.
 - b. OSHA activities, therefore, shall not unnecessarily hinder removal or remedial actions. At the same time they shall ensure that workers' safety and health are not compromised.
- H. Enforcement Activities. Normal OSHA inspection procedures shall be followed when handling NEP inspections, referrals, complaints or accident reports at Superfund sites, RCRA sites or other hazardous waste sites, except that only trained personnel are to be sent to these sites. (See I of this instruction.)
 1. Preinspection Planning. Area Directors, upon scheduling a hazardous waste site for inspection and prior to initiating the inspection, shall contact the local EPA official to discuss appropriate levels of personal protective equipment for CSHO's and workers, the site's history and current status (whether the site is active) and whether workers are at the site prior to initiating the inspection.
 - a. If workers are at a RCRA site, a copy of the drawing of the facility from EPA's RCRA permit application and other material which may be helpful in planning the inspection shall be obtained.
 - b. If workers are at a Superfund site, a copy of the site safety plan and any other information considered pertinent shall be obtained for review before going onsite.
 2. Complaints. CSHO's shall immediately notify the Area Director whenever a hazardous waste site is discovered during a routine inspection or when complaints are received on such subject areas.

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3. On-Site Coordination. CSHOs shall coordinate activities with EPA, Corps of Engineers, or other agency representatives, if present.
4. Applicable Standards. Depending on the activities occurring at the site, the general duty clause or the general industry and/or construction standards may be applicable.
5. Examples of Health Standards. The nature of hazardous waste site environments dictates that the following items must be specifically evaluated for their effectiveness in addition to ensuring compliance with all other applicable standards.
 - a. Respirators. This includes the use of respirators during emergency evacuation as well as routine work activity (e.g., 29 CFR 1910.134, 1926.103).
 - (1) Policy. When an overexposure cannot be documented through full-shift or ceiling sampling but a realistic potential for a sudden or intermittent overexposure is reasonably foreseeable, violations of 1910.134 or, if applicable, 1926.103 shall be cited. Violations shall be classified as serious when serious physical harm or death could result from the overexposure.
 - (2) Policy Rationale. The air quality at hazardous waste sites is subject to sudden, dramatic changes due to the often highly toxic materials present and the nature of activities carried out. Frequently the identity and quantity of particular chemical species are not known to personnel at a site. Reactions between materials at a site may even create new air contaminants. Hazardous waste sites may present situations where 8-hour sampling is not feasible due to practical limitations or because CSHO's may be unacceptably endangered.

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- (3) Documentation. Documentation for violations where overexposures are not established through sampling must include consideration of all of the elements normally required for citations of the general duty clause, as follows:
- (a) Substances present:
 - 1 The extent to which specific chemicals can be identified.
 - 2 Warning properties.
 - 3 Eye irritation potential.
 - 4 The potential for interaction between substances present to create new airborne contaminants.
 - 5 Cartridge/cannister break-through potential.
 - 6 Physical properties such as vapor pressure, lower explosive limit, and particle size.
 - 7 Toxicity.
 - (b) The potential for sudden releases of airborne concentrations of contaminant(s).
 - (c) Adequacy of any existing respirator programs.
 - (d) The extent and results of any employer-conducted environmental monitoring.
 - (e) The extent and results of any medical surveillance/ biological monitoring.
 - (f) Actual employer knowledge.
 - (g) Industry practice.

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- b. Protective Clothing and Equipment. Examples include 29 CFR 1910.132, 1910.133, 1910.1003 (c)(5), 1910.1018(g), 1926.28 and 1926.102. Among the considerations for such potential citations are the following:
 - (1) Industry practice.
 - (2) Suitability for hazards likely to be encountered (e.g., permeability, durability, flammability, ease of decontamination).
 - (3) Availability and capacity of emergency eyewash and shower facilities.
- c. Decontamination Procedures. Examples include 29 CFR 1910.132(a), 1910.141, 1910.1003(c)(5), 1910.1003(d)(3), 1910.1018(k) and 5(a)(1) of the OSH Act. In addition to workers' clothing and equipment, contaminated heavy equipment, such as trucks and earth moving vehicles, may also be a source of employee exposure and must be considered when addressing the issue of decontamination. Documentation of violations must include the following considerations:
 - (1) Industry practice.
 - (2) Existence and appropriateness of any standard operating procedures.
 - (3) Quantitative data such as water samples, soil samples, wipe samples and discarded clothing samples.
- d. Heat Stress. At the present time, violations relating to heat stress shall be cited under the general duty clause. Employees shall be interviewed to determine if they have experienced any signs or symptoms of heat stress. In addition, CSHO's shall evaluate the potential for heat stress hazards. Criteria include:

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- (1) Employee training in the recognition of the symptoms of heat stress.
 - (2) Existence and use of appropriate work-rest regimens.
 - (3) Availability of proper first aid treatment and personnel who are trained and able to administer such treatment.
 - (4) Cool rest areas located in "clean zones".
 - (5) Environmental conditions.
 - (6) Whether or not heat stress monitoring is conducted; i.e., heart rate, body temperature, body water loss.
6. OSHA Form 175. The hazardous waste site activity worksheet shall be completed according to OSHA Instruction CPL 2.74.

I. Technical Assistance.

1. Regional Office technical staff and members of the OSHA Health Response Team (HRT) will provide the main services of onsite health and safety advice and consultation. This includes providing assistance in conjunction with the State in those States which choose to cover Superfund sites and directly in those which elect not to cover Superfund sites. Whenever EPA or another agency, such as the U.S. Coast Guard, requests OSHA's safety and health assistance, the procedures will be as follows:
 - a. The Regional Administrator shall coordinate onsite technical assistance with the HRT and the requesting agency. To the extent possible, the technical assistance team shall also provide onsite technical assistance on request to State plan States that have elected to cover Superfund sites.

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- b. The extent of onsite technical assistance shall be determined on a case-by-case basis.
 - c. If the Regional Administrator determines that an onsite evaluation will not be required, the request may be handled by the Regional staff or may be referred to the Area Office for handling under the full-service program.
2. Cost Reimbursement Procedures for Superfund Site Technical Assistance Activities. Activity of all personnel associated with Superfund onsite technical assistance requests should be charged to cost center 037 consistent with OSHA Notice FIN 20.
- 1. Reimbursable items include:
 - a. Travel costs for taking the EPA's "Hazardous Materials Incident Response Operations" training course.
 - b. All travel exclusively undertaken to perform Superfund site technical assistance investigations.
 - c. Any supplies or equipment specifically purchased to fulfill OSHA's obligations in providing technical assistance at Superfund sites.
 - 2. Since EPA can reimburse OSHA only for work directly related to Superfund technical assistance requests, no charges shall be submitted for Superfund enforcement or non-Superfund sites activity. (EPA reimbursement is not available for State activity on Superfund sites.)
 - 3. OSHA will use the Hazardous Waste Site Activity Worksheet, OSHA Form 175, to track reimbursement activity. Thus, in addition to completing vouchers, the OSHA-175 shall be completed whenever requesting cost reimbursements under Superfund.

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J. Training and Protection of CSHOs. Because hazardous waste sites may be significantly different from other industrial sites, CSHOs must be properly trained and have adequate equipment before being assigned to conduct inspections of such sites.

1. Training. The following courses must have been completed before any hazardous waste site inspection activities may be undertaken.
 - a. EPA's "Hazardous Materials Incident Response Operations" course (#165.5) held at the EPA training facility in Edison, New Jersey or other locations designated by EPA.
 - b. OSHA Training Institute "Respirator Training" course (#100-57) or an equivalent course.
 - c. An in-house training program including refamiliarization in the maintenance, use and limitations of the equipment whenever a CSHO may be required to wear self-contained breathing apparatus.
2. Trained Personnel List. A list of the names of trained personnel will be maintained in the Directorate of Technical Support. Thus, Regional Administrators shall continually notify the HRT of any changes in the names of trained personnel available for hazardous waste response activities.
3. Decontamination Facilities. When decontamination facilities exist at the inspection site, the CSHO's shall utilize them if, in their professional judgment, they are adequate. In the event that adequate decontamination facilities are not available, CSHO's shall adapt the prescribed methods outlined in the "EPA Hazardous Materials Incident Response Operations Training Manual" (course #165.5). If a lead agency such as the EPA or U. S. Coast Guard is involved, CSHO's shall coordinate all decontamination activities with them.
4. Personal Protective Equipment for CSHO's. There are four levels of protection (A, B, C and D) described in the EPA Hazardous Materials Incident Response Operations Training Manual.

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- a. Because of the extreme hazards normally involved when Level A protection is prescribed, CSHOs will not be assigned to conduct inspections at sites requiring such protection and will not be equipped for entering any areas where this level of protection is required.
- b. CSHOs must, however, be equipped for entering areas requiring levels B, C or D protection.

NOTE: Whenever CSHOs wear self-contained breathing apparatus (SCBA), a "buddy system" shall be implemented wherein three CSHOs, identically equipped, shall be required--two CSHOs to make entry and a third CSHO to remain in a safe location as a standby and to assist in emergency rescue and decontamination, if necessary. Appropriately equipped and trained personnel other than CSHOs (e.g., on-scene EPA personnel) may be substituted for the required number of CSHOs under the "buddy system".

- c. At a minimum, the following equipment must be available for each CSHO who will be conducting hazardous waste site inspections:

(1) Clothing.

- (a) Nomex jumpsuit.
- (b) Chemical splashsuit, hooded, Saranex/Tyvek.
- (c) Raingear, 2-piece suit.
- (d) Hardhat, adjustable.

(2) Footwear.

- (a) Leather safety boots.
- (b) Chemically resistant boots, non-sparking, nonconductive material, 12-inch safety toe and steel shank.

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(c) Single use overboots.

(3) Eye Protection.

- (a) Safety glasses, prescription if necessary.
- (b) Safety glasses, prescription if necessary for regular use under SCBA (short leg or adapter kit).
- (c) Chemical splash goggles.

(4) Respiratory Protection.

- (a) SCBA, pressure demand, 30 min., with extra tank.
- (b) Full-face, air purifying combination canister approved for organic vapors, dust, mists and fumes, with extra canisters.
- (c) Half-face, air purifying, combination cartridges or organic vapor with dust, mist, fume pre-filter.
- (d) SCBA, emergency escape, 5 minutes.

(5) Gloves.

- (a) Cotton inner gloves (for wicking moisture under other gloves).
- (b) Neoprene/Latex, lightweight inner gloves.
- (c) Chemical, outer glove, 14-inch length, 22 ml thickness (Nitrile rubber).
- (d) Working gloves, leather.

(6) Miscellaneous Equipment.

- (a) Small explosion-proof flashlight with batteries.

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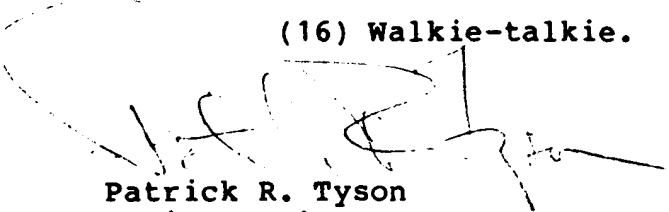
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- (b) PVC bags, 8 mil.
 - (c) Sample bottles.
 - (d) Plastic bags for samples, ziplock type.
 - (e) Wipe test - Whatman 41 filter paper.
 - (f) Knife - pocket-type, folding.
 - (g) Scissors.
 - (h) Kimwipes.
 - (i) Qualitative fit test equipment.
 - (j) PVC bags - for decontamination.
 - (k) First aid kit.
 - (m) Tape, high tack adhesive, duct.
- d. The following equipment may be useful on a case-by-case basis when conducting hazardous waste site inspections:
- (1) Underwear, cotton (100%), lightweight thermal.
 - (2) Socks, cotton.
 - (3) PVC plastic drop tarps and tiedowns.
 - (4) Warning signs.
 - (5) Long-handled stiff bristled brush.
 - (6) Cold water detergent.
 - (7) Plastic buckets, 5-gallon.
 - (8) Water proof log book, pencils, and chemical resistant pens.
 - (9) Fire extinguisher, small.
 - (10) Wooden mallet.

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- (11) Polypropylene/nylon barrier rope.
- (12) Tape, barrier.
- (13) Pop-up tent.
- (14) Binoculars.
- (15) Face shield.
- (16) Walkie-talkie.



Patrick R. Tyson
Acting Assistant Secretary

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Appendix A

Further Information

If Regional Offices need more information or have questions about matters discussed in this instruction, the following references are provided:

1. Superfund, jurisdiction, etc., call OSHA's Division of Interagency Programs at FTS 523-9296.
2. Personal protective equipment, call the Directorate of Technical Support at FTS 523-7031.
3. Medical Surveillance, call the Office of Occupational Medicine at FTS 523-7047.
4. Analytical methods, sampling methods, call the Salt Lake City Laboratory at FTS 588-5287
5. Information on previous hazardous waste site activity, including standards application, PPE utilized, major contaminants, etc., call the Health Response Team at FTS 588-5896.

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Bibliography

1. Standard Operating Safety Guidelines, EPA Office of Solid Waste and Emergency Response.
2. EPA Hazardous Materials Incident Response Operations Training Manual (course #165.5).
3. Guidelines for the Selection of Chemical Protective Clothing, 2nd edition, Volumes I and II, Arthur D. Little/ A.C.G.I.H.
4. Protective Barriers for Containment of Toxic Materials, Pollution Technology Review No. 66, Noyes Data Corporation, 1980. Edited by R. Fung.
5. U.S. EPA National Conference on Management of Uncontrolled Hazardous Waste Sites, October 15-17, 1980, Washington, D.C.
6. The Handbook of Hazardous Waste Management. Amir A. Metry, Technomic Publishing Co., Inc., 1980.
7. Hazardous Waste Processing Technology. YEN-HSiung Kiang. Amir A. Metry. Butterworth Publishers 1982.
8. Toxic Organic Chemicals, Destruction and Waste Treatment. Pollution Technology Review No. 40. Chemical Technology Review No. 107. Noyes Data Corporation, 1970. E. Ellsworth Hellman III
9. Hazardous Wastes Handbook. Fourth Edition, Tom Watson, et.al. April 1984, Government Institutes, Inc.
10. Detoxication of Hazardous Waste. Jurgen H. Exner, Ann Arbor Science, 1982.
11. Hazardous Material Emergencies: Response and Control. John R. Cashman, Technomic Publishing Co., Inc., 1983
12. Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities. EPA/NIOSH/OSHA/USCG Interagency Document, 1985.
13. Personal Protection Equipment for Hazardous Materials Incident; A Selection Guide. DHHS Publication #84-114, October 1984.